

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**STEVEN C. HEATON,**

**Plaintiff,**

**v.**

**UNITED STATES POSTAL SERVICE,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**CASE NO. 8:06CV2**

**ORDER**

This matter is before the court sua sponte. It appears to the court that this case may be abandoned or in default, as the parties have not filed the Rule 26(f) joint planning report which was required to be filed with the court by August 2, 2006. Neither party has provided the court with an explanation for the parties' failure to file a timely report. Therefore, by September 18, 2006, each party shall file a Response to Order to Show Cause explaining why the report has not been filed. In the absence of a timely Response by the defendant, the court will entertain a motion for sanctions by the plaintiff. In the absence of a timely Response by the plaintiff, or if no one responds by September 18, 2006, this case will be subject, without further notice, to dismissal without prejudice by District Judge Laurie Smith Camp, for lack of prosecution.<sup>1</sup>

IT IS SO ORDERED.

DATED this 22<sup>nd</sup> day of August, 2006.

BY THE COURT:

s/ F.A. Gossett  
United States Magistrate Judge

---

<sup>1</sup>See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."